IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

OP.No. 4752 of 2003(N)

PETITIONERS:
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1. **A. SUMANA, AGED 50 YEARS,**
   W/O. P. ESHWARAN NAMBOODIRI, R/AT KARIVELLUR
   VILLAGE, TALIPARAMBA TALUK, KANNUR DISTRICT.
   (HSA KMV HS KOTAKKAD).

2. **K.P. SREEDHARAN, AGED 55 YEARS,**
   S/O. K. NARAYANAN, R/AT KOTAKKAD VILLAGE,
   HOSDURG TALUK, KASARAGOD DISTRICT.
   (HSA KMV HS KOTAKKAD).

3. **K. MADHAVAN, AGED 51 YEARS,**
   S/O. P. KANNAN, R/AT VELLUR VILLAGE,
   TALIPARAMBU TALUK, KANNUR DISTRICT.
   (HSA KMV HS KOTAKKAD).

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY**
   THE PRINCIPAL SECRETARY TO GOVERNMENT,
   FINANCE DEPARTMENT, GOVT. OF KERALA,
   THIRUVANANTHAPURAM.

2. **THE DEPUTY DIRECTOR OF EDUCATION,**
   P.O. VIDYA NAGAR, KASARAGOD.

3. **THE DISTRICT EDUCATIONAL OFFICER,**
   KANHANGAD, LAKSHMI NAGAR,
   KANHANGAD POST, PIN-671 315.

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 8452/2003 IN OP NO. 4752/2003 N.

DISMISSED

03/07/2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE AUDIT OBJECTION BY THE R2 DT. 2/11/02.

EXT.P2. COPY OF THE JUDGMENT IN OP NO. 20280/2001 DT. 11/3/02 BY THIS COURT.

EXT.P3. COPY OF THE JUDGMENT IN CMP NO. 42786/02 IN OP NO. 25286/02 DT. 5/09/02 BY THIS COURT.

EXT.P4. COPY OF THE WA NO. 2293/03 DT. 25/09/02 BY THIS COURT.

EXT.P5. COPY OF THE LETTER NO. 32795/PRU 1/2000/FIN DT. 19/7/00 BY THE R1.

EXT.P5A. COPY OF THE LETTER NO. 613376/PRU.1/2000/FIN DT. 3/11/00 BY THE R1.

EXT.P6. COPY OF THE GO DT. 1062/01 DT. 25/09/2001 BY THE R1.

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Thottathil B. Radhakrishnan, J.

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O.P.No.4752 of 2003

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Dated this the 3rd day of July, 2007.

JUDGMENT

As rightly pointed out by the learned counsel on either side, the claims of the petitioners are covered in their favour by the decision reported in **State of Kerala v. Lissy Joseph (2006 (1) K.L.J. 566)**.

In the result, this writ petition is allowed, as prayed for, quashing Exts.P1 and P6 and it is declared that the petitioners are entitled to the benefit of Exts.P2 and P4 judgments. No costs.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

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O.P.No.4752 of 2003

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JUDGMENT

Dated:3-7-2007